

# State of South Dakota

## SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

527I0099

### SENATE BILL NO. **57**

Introduced by: Senators Sutton (Dan), Abdallah, Duxbury, Earley, Ham, Jaspers, Kooistra, and Nachtigal and Representatives Nesselhuf, Adelstein, Christensen, Fryslie, Garnos, Gassman, Hargens, Hennies, Lange, Murschel, Pederson (Gordon), Rave, Schafer, Sebert, Van Gerpen, and Williamson

1 FOR AN ACT ENTITLED, An Act to provide for the temporary replacement of certain elected  
2 officials called for active duty in the armed forces.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If any member of a municipal governing body, who is a member of the South Dakota  
7 National Guard or another reserve component of the armed forces of the United States, is called  
8 into active duty thus rendering such person unable to attend meetings of the governing body, a  
9 temporary vacancy exists on the municipal governing body. The member shall appoint a  
10 temporary replacement to serve until the member returns from active duty or until the expiration  
11 of the term, whichever time period is shorter. A majority of the municipal governing body shall  
12 approve the appointment of the temporary replacement before the replacement may serve. In the  
13 aldermanic form of municipal government, the appointment shall be a person from the same ward  
14 of the first or second class municipality.



1       Section 2. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       If any member of a board of county commissioners, who is a member of the South Dakota  
4 National Guard or another reserve component of the armed forces of the United States, is called  
5 into active duty thus rendering such person unable to attend meetings of the board, a temporary  
6 vacancy exists on the board. The member shall appoint a person as a temporary replacement to  
7 serve until the member returns from active duty or until the expiration of the term, whichever  
8 time period is shorter. A majority of the board shall approve the appointment of person as the  
9 temporary replacement before the person may serve. If the member is elected from a district, the  
10 appointment shall be a person from the same district of the county.

11       Section 3. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13       If any member of a school board, who is a member of the South Dakota National Guard or  
14 another reserve component of the armed forces of the United States, is called into active duty  
15 thus rendering such person unable to attend meetings of the board, a temporary vacancy exists  
16 on the board. The member shall appoint a person as a temporary replacement to serve until the  
17 member returns from active duty or until the expiration of the term, whichever time period is  
18 shorter. A majority of the board shall approve the appointment of person as the temporary  
19 replacement before the person may serve. If the member is elected from a representation area,  
20 the appointment shall be a person from the same representation area.

21       Section 4. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23       If any member of a township board of supervisors, who is a member of the South Dakota  
24 National Guard or another reserve component of the armed forces of the United States, is called

1 into active duty thus rendering such person unable to attend meetings of the board of  
2 supervisors, a temporary vacancy exists on the board. The member shall appoint a person as a  
3 temporary replacement to serve until the member returns from active duty or until the expiration  
4 of the term, whichever time period is shorter. A majority of the board shall approve the  
5 appointment of person as the temporary replacement before the person may serve.

6 Section 5. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 If any member of a board of trustees of a special purpose district, who is a member of the  
9 South Dakota National Guard or another reserve component of the armed forces of the United  
10 States, is called into active duty thus rendering such person unable to attend meetings of the  
11 board of trustees, a temporary vacancy exists on the board. The member shall appoint a person  
12 as a temporary replacement to serve until the member returns from active duty or until the  
13 expiration of the term, whichever time period is shorter. A majority of the board shall approve  
14 the appointment of person as the temporary replacement before the person may serve.